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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,521	07/08/2000	Frank Dean	LIDO:003	9294

7590

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EXAMINER

TRUONG, DUC

ART UNIT

PAPER NUMBER

1711

16

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/611,521

Applicant(s)

DEAN, FRANK

Examiner

Duc Truong

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,6-11,15,19,23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,15,19,23 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Specification*

The specification is objected to under 37 CFR 1.71 because failing to provide an adequate written description of the invention, as disclosed on page 15, line 10, line 12 and elsewhere in the specification, Me can not be defined as alkali metal since Me(OH) is well known in the art as methanol and the methyl group does not belong to the alkali metal group.

Claims 9,11,15,19 and 23 are rejected under 35 USC.112, first paragraph, for the reasons set forth in the objection to the specification and for the following reasons:

While it is established that Applicant can be his own lexicographer, that is provided that the definitions are not in derogation of the known usage or are already recognized, as in the instant case, MeOH is well known in the art as methanol.

Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The definitions of said ethanol amine and NH<sub>3</sub> in claims 8-9 are incorrect since said components are not polyfunctional amine. Further, said definitions are not consistent with the Markush term used to define said polyfunctional amines, as in claim 10.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1,6-11,15,19,23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 2,285,308.

The reference discloses that iminodisuccinimic acid alkaline salts can be prepared by reacting maleic acid anhydride, alkaline metal hydroxide, , NH<sub>3</sub> and water with a specific molar ratio at 70-170°C and 1-80 bars (ambient pressure is included) (step 1). The reaction mixture is mixed with additional water and optionally alkaline metal hydroxide at 50-170°C and 0.1-50 bars (step 2).

Since the pressure is almost the same and the ambient pressure is included, then the pressure condition is at ambient pressure, as in the claims.

Further, the temperature reaction in step 1 and step 2 is almost the same, then the condition "without the addition of heat" is satisfied.

The disclosure of the reference differs from the instant claims in that it does not disclose the claimed formulae nor the claimed steps of the processes for making a modified iminodisuccinimic acid.

However, claims 8 and 9 do disclose the variety of choices to get the claimed products. Further, the reference does disclose similar reactants under steps of the process to form the same or similar products. Therefore, it would have been obvious to one of ordinary skill in the art to select the reactants under conditions to form the same or similar products of the claimed formulae in the absence of a showing of unexpected results derived from said use.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 703-308-2437. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9791 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'Duc Truong', is positioned above the printed name and title.

DT  
March 25, 2003

DUCTRUONG  
PRIMARY EXAMINER